

APPEAL NO. 042305
FILED NOVEMBER 5, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 18, 2004. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on November 4, 2002, with a nine percent impairment rating (IR) as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). In her appeal, the claimant refers to the MMI/IR report of the referral doctor and contends that testing showed radiculopathy. The respondent (self-insured) responds that the evidence supports the hearing officer's determinations.

DECISION

Affirmed.

Sections 408.122(c) and 408.125(e) provide that the report of the designated doctor has presumptive weight and the Commission shall base the MMI and IR determinations on that report unless the great weight of the other medical evidence is to the contrary. The designated doctor reviewed the electrodiagnostic testing and did not change his opinion. The hearing officer found that the great weight of the medical evidence is not contrary to the findings of the designated doctor. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the disputed issues of MMI and IR are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is:

For service in person the address is:

(NAME)
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

For service by mail the address

(NAME)
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge